

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:  
Everett Maritime, LLC

Debtor(s).

Case No. 09-18224

**FINAL PRETRIAL ORDER GOVERNING MOTION OF PORT OF EVERETT TO PROHIBIT  
OR CONDITION ASSUMPTION OF AMENDED AND RESTATED DEVELOPMENT AND  
MASTER OPTION AGREEMENT**

*The following provisions will govern the future course of this proceeding. Failure to comply with the provisions of this order may result in waiver of claims or defenses, dismissal, default, exclusion or admission of evidence, or other sanction, as justice may require.*

Counsel for all parties are hereby ordered to confer and together prepare and file with the court on or before **December 8, 2009**, a joint document captioned "Pretrial Statement." The Pretrial Statement will contain the following information:

1. A brief statement of the theory of each claim and each defense;
2. A statement of stipulated facts in numbered paragraphs;
3. A statement in numbered paragraphs setting out the material facts which are in dispute;
4. Each party's list of witnesses with any objections noted, stating grounds;
5. Each party's list of exhibits it plans to offer with objections noted, stating grounds.

On or before **December 8, 2009**, each party will provide all other parties a copy, and shall submit to chambers, **two** copies, of all exhibits to be used at trial. Each exhibit will be pre-marked, e.g., "Plaintiff's Exhibit 1." In addition, if the hard copies of a party's exhibits submitted chambers exceed one single 3-inch ring binder, the party must also submit the exhibits to chambers on a CD-ROM, in pdf format, with each exhibit as a separate document, and with bookmarks for major divisions and for any attachments to the exhibit. Two copies of each CD-ROM must be submitted, and each shall be labeled with the name of the case and the party on whose behalf it is submitted. Any exhibit to which an objection is not raised in the Pretrial Statement will be received in evidence without an offer during the trial. Exhibits that do not appear on a party's list of exhibits will not be received in evidence.

Trial is set for **December 15, 2009 at 2:00 p.m., December 16, 2009 at 2:00 p.m. and December 18, 2009 at 10:00 a.m. in courtroom 642**, of the United States Courthouse, 219 S. Dearborn St., Chicago, IL. An attorney who is a member of the trial bar under the provisions of Rule 2090-1(B) of the local Bankruptcy Rules of this Court shall participate in the trial.

ENTER:

*Susan Pierson Borders*  
Judge

Dated: 10-30-09